UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 23 AM 10:32

UNITED STATES OF AMERICA, Plaintiff, v. **Jorge Armando SILVAS-Pena,** Defendant	Magistrate Docket No. '08 MJ 1913 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 21, 2008** within the Southern District of California, defendant, **Jorge Armando SILVAS-Pena,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Tomas M. Jimenez
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **23rd DAY OF JUNE, 2008.**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jorge Armando SILVAS-Pena

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On June 21, 2008, Border Patrol Agent J. Byland was performing line watch duties in the Brown Field Border Patrol Station area of operations. At approximately 9:10 AM, Agent Byland responded to a sensor activation in the area he was working in. This area is located approximately one mile north of the U.S./Mexico International Boundary Fence, and three and a half miles west of the Tecate California Port of Entry. This area is commonly used by undocumented aliens attempting to further their illegal entry into the United States. Due to the remoteness of this area, it is also frequently used by alien smugglers attempting to guide undocumented aliens into the United States afoot.

Agent Byland responded to the area and after a brief search encountered eight subjects attempting to conceal themselves in dense brush. Due to the close proximity to the U.S./Mexico International Boundary Fence, and the area's notoriety for alien foot traffic, Agent Byland identified himself as a United States Border Patrol Agent in both the English and Spanish languages and questioned each subject as to their citizenship and immigration status. Each subject, including one later identified as the defendant **Jorge Armando SILVAS-Pena** freely admitted to being citizens and nationals of Mexico not in possession of any immigration documents which would allow them to enter or remain in the United States legally. At 9:15 AM, Agent Byland placed the eight subjects under arrest, including the defendant. Each of the subjects were transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 12, 2008** throug h **Nogales, Arizona.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on June 22, 2008 at 9:30 a.m.

Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **June 21, 2008**, in violation of Title 8, United States Code, Section **1326**.

Louisa S. Porter
United States Magistrate Judge

6/22/08 12:30 p.m.
Date/Time